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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMG Services, Inc., et al.,

Defendants, and

Park 269, LLC, et al.,

Relief Defendants.

Case No. 2:12-cv-536

**DECLARATION OF NIKHIL  
SINGHVI IN SUPPORT OF  
PLAINTIFF FEDERAL TRADE  
COMMISSION'S MOTION FOR  
SUMMARY JUDGMENT**

I, Nikhil Singhvi, declare as follows:

I am an attorney employed by the Federal Trade Commission ("FTC") and counsel of record for the FTC in this matter. Based on my personal knowledge of the parties' and third-parties' document productions and statements in this proceeding, and on other facts as described below, I submit this declaration in support of the FTC's motion for summary judgment.

1. Attached to this declaration as **Exhibit 1** is a true and correct copy of the articles of incorporation of National Money Service, and accompanying secretary of state filings, certified by the Office of the Secretary of State of the State of Nevada, numbered FTC-CLK-00007635-55.

2. Attached to this declaration as **Exhibit 2** is a true and correct copy of a letter and business proposal from Scott Tucker to the Miami Tribe of Oklahoma, numbered AMGPT\_00000081-90, produced by defendant AMG in discovery.

3. Attached to this declaration as **Exhibit 3** are true and correct copies of Scott Tucker's and Blaine Tucker's employment agreements with National Money Service, which were appended as Exhibit A to Charles Hallinan's Verified First Amended Complaint (Exhibit 11, *infra*), numbered FTC-CLK-00006398-412.

4. Attached to this declaration as **Exhibit 4** is a true and correct copy of the articles of organization for BAT Services, LLC, its name change certificate to CLK Management, LLC ("CLK"),

1 CLK's reinstatement filing, and CLK's certificate of merger into AMG Services, Inc. ("AMG"),  
2 obtained from the Kansas Secretary of State, numbered FTC-CLK-00015127-31.

3 5. Attached to this declaration as **Exhibit 5** is a true and correct copy of an excerpt of a  
4 CLK training manual, produced in discovery by AMG, numbered AMG\_00011337-45.

5 6. Attached to this declaration as **Exhibit 6** is a true and correct copy of trademark  
6 registration and assignment documents for "500FastCash," "Ameriloan," "OneClickCash,"  
7 "UnitedCashLoans," and "USFastCash," obtained from the United States Patent and Trademark Office.

8 7. Attached to this declaration as **Exhibit 7** is a true and correct copy of excerpts of the  
9 transcript for the Rule 30(b)(6) deposition of AMG, MNE Services, Inc. ("MNES"), Red Cedar  
10 Services, Inc. ("Red Cedar"), and SFS, Inc. ("SFS") by Natalie Dempsey, dated August 7-8, 2013.

11 8. Attached to this declaration as **Exhibit 8** is a true and correct copy of the Advanced  
12 Monies Project report by Squar, Milner, Peterson, Miranda & Williamson, LLP ("Squar Milner"),  
13 produced in discovery by AMG, numbered MT0050935. Craig Weaver certified this document as a  
14 business record. (Exhibit 260, *infra*.)

15 9. Attached to this declaration as **Exhibit 9** is a true and correct copy of the first page of a  
16 document named "Scott Tucker Enterprises," produced in discovery by the Tucker Defendants,<sup>1</sup>  
17 numbered TUCKER-DEF\_007429.

18 10. Attached to this declaration as **Exhibit 10** is a written consent and resolution of the  
19 directors of Executive Global Management, Inc., numbered FTC-CLK-00013197-98. James Fontano  
20 previously provided sworn testimony regarding these documents. (Exhibit 172, *infra*.)

21 11. Attached to this declaration as **Exhibit 11** is a true and correct copy of Charles Hallinan's  
22 Verified First Amended Complaint (without exhibits) filed in the District Court, Clark County Nevada,  
23 on January 9, 2009, numbered FTC-CLK-00006358-97.

24  
25  
26  
27 <sup>1</sup> The Tucker Defendants are Scott A. Tucker, AMG Capital Management, LLC, Level 5  
28 Motorsports, LLC, LeadFlash Consulting LLC, Black Creek Capital Corporation, Broadmoor  
Capital Partners, and Nereyda M. Tucker, as Executor of the State of Blaine A. Tucker.

1           12. Attached to this declaration as **Exhibit 12** is a true and correct copy of a letter sent by  
2 Scott Tucker to the Santee Sioux Tribe, produced by SFS in discovery, numbered FTC-SFS-Phase II-  
3 004631-33.

4           13. Attached to this declaration as **Exhibit 13** is a true and correct copy of excerpts of the  
5 transcript for the Rule 30(b)(6) deposition of SFS by Lee Ickes, dated October 4, 2012.

6           14. Attached to this declaration as **Exhibit 14** is a true and correct copy of a Service  
7 Agreement between Miami Tribe of Oklahoma Business Enterprises and Universal Management  
8 Services (“UMS”), produced by AMG in discovery, numbered AMGPT\_00000152-55.

9           15. Attached to this declaration as **Exhibit 15** is a true and correct copy of Service  
10 Agreement between SFS and UMS, produced by SFS in discovery, numbered FTC-SFS-Phase II-  
11 04515-18.

12           16. Attached to this declaration as **Exhibit 16** is a true and correct copy of emails among the  
13 board of the Miami Tribe, produced by the Miami Tribe, numbered AMGPT\_00011802-09.

14           17. Attached to this declaration as **Exhibit 17** is a true and correct copy of a tribal resolution  
15 and articles of incorporation for SFS, filed by SFS at ECF No. 300-10, pp. 13-19. Santee Sioux Nation  
16 Chairman Roger Trudell provided testimony regarding this document at ECF No. 300-9, ¶ 7.

17           18. Attached to this declaration as **Exhibit 18** is a true and correct copy of a tribal resolution  
18 for the Modoc Tribe of Oklahoma, filed by Red Cedar at ECF No. 300-15, pp. 64-74. Modoc Tribe  
19 Second Chief Judy Cobb provided testimony regarding this document at ECF No. 300-15, ¶ 11.

20           19. Attached to this declaration as **Exhibit 19** is a true and correct copy of a tribal resolution  
21 and articles of incorporation for MNES, filed by MNES at ECF No. 300-3, pp. 22-27. Miami Tribe  
22 Chief Thomas Gamble provided testimony regarding this document at ECF No. 300-1, ¶ 10.

23           20. Attached to this declaration as **Exhibit 20** is a true and correct copy of a tribal resolution  
24 and articles of incorporation for Red Cedar, filed by Red Cedar at ECF No. 300-15, pp. 18-42. Modoc  
25 Tribe Second Chief Judy Cobb provided testimony regarding this document at ECF No. 300-15, ¶¶ 7-8.

26           21. Attached to this declaration as **Exhibit 21** is a true and correct copy of the declaration of  
27 Chief Thomas Gamble and Exhibit H to the declaration, filed by MNES at ECF No. 300-1 and ECF No.  
28 300-4.

22. Attached to this declaration as **Exhibit 22** is a true and correct copy of an AMG bank account opening form produced by Bay Cities Bank, numbered FTC-BAY-0000418-19. Bay Cities Bank certified this document as a business record. (Exhibit 251, *infra*.)

23. Attached to this declaration as **Exhibit 23** is a true and correct copy of Second Chief Judy Cobb's declaration, filed by Red Cedar at ECF No. 300-15.

24. Attached to this declaration as **Exhibit 24** are true and correct copies of account bank account opening forms for AMG, MNES, Red Cedar, and SFS, numbered FTC-BAY-0000127-34. Bay Cities Bank certified these documents as business records. (Exhibit 251, *infra*.)

25. Attached to this declaration as **Exhibit 25** is a true and correct copy of an MNE financial statement, produced by MNES in discovery, numbered FTC-MNE-000184-213. Joe Frazier certified this document as a business record. (Exhibit 265, *infra*.)

26. Attached to this declaration as **Exhibit 26** is a true and correct copy of business account application for Red Cedar, produced by Red Cedar in discovery, numbered FTC-RC-Phase II-014984-93.

27. Attached to this declaration as **Exhibit 27** is a true and correct copy of an email and attachment from Scott Tucker to Troy LittleAxe, produced by Red Cedar during discovery, numbered FTC-RCS-00074-84.

28. Attached to this declaration as **Exhibit 28** is a true and correct copy of a tribal resolution of the Miami Tribe, filed by the Miami Tribe at ECF No. 300-6, pp. 55-56. Chief Gamble provided testimony regarding this document at ECF No. 300-1, ¶ 17.

29. Attached to this declaration as **Exhibit 29** is a true and correct copy of a tribal resolution of the Santee Sioux Nation, filed by SFS at ECF No. 300-13, pp. 1-20. Chairman Trudell provided testimony regarding this document at ECF No. 300-9, ¶ 7.

30. Attached to this declaration as **Exhibit 30** is a true and correct copy of Tribal Financial Services' answers to the FTC's expedited interrogatories.

31. Attached to this declaration as **Exhibit 31** is a true and correct copy of AMG's answer to the FTC's first amended complaint.

32. Attached to this declaration as **Exhibit 32** is a true and correct copy of Red Cedar's answer to the FTC's first amended complaint.

33. Attached to this declaration as **Exhibit 33** is a true and correct copy of SFS's answer to the FTC's first amended complaint.

34. Attached to this declaration as **Exhibit 34** is a true and correct copy of MNES's answer to the FTC's first amended complaint.

35. Attached to this declaration as **Exhibit 35** is a true and correct copy of the declaration of Natalie C. Dempsey.

36. Attached to this declaration as **Exhibit 36** is a true and correct copy of a document produced by AMG during discovery, numbered AMG\_00049064-87.

37. Attached to this declaration as **Exhibit 37** are true and correct copies Ameriloan loan disclosures over time, numbered FTC-CLK-00002440-41, FTC-CLK-0018287-92, FTC-CLK-00004095-99, FTC-CLK-00002255-59, FTC-CLK-00002504-15. These documents were obtained by the FTC from consumers or produced by the Colorado Office of the Attorney General and Intercept (Defendants' third party payment processor) pursuant to third party subpoenas. Their appearance, contents, substance, internal patterns, and other distinctive characteristics resemble those of loan contracts produced by Defendants.

38. Attached to this declaration as **Exhibit 38** are true and correct copies 500FastCash loan disclosures over time, numbered FTC-CLK-0018446-49, FTC-CLK-00004078-83, and AMG\_00660187-99. These documents were obtained by the FTC from consumers or produced by Intercept pursuant to a third-party subpoena, and AMG\_00660187 was produced in discovery by AMG. Their appearance, contents, substance, internal patterns, and other distinctive characteristics resemble those of loan contracts produced by Defendants. Derek Douglas certified the document produced by AMG as a business record. (Exhibit 264, *infra*.)

39. Attached to this declaration as **Exhibit 39** are true and correct copies of OneClickCash loan documents over time, numbered FTC-CLK-00002811-16, FTC-CLK-00002840-44, FTC-CLK-00018458-61, FTC-CLK-00018565-69, and FTC-CLK-00004412-24. These documents were obtained by the FTC from consumers or produced by the Colorado Office of the Attorney General and Intercept.

1 Their appearance, contents, substance, internal patterns, and other distinctive characteristics resemble  
2 those of loan contracts produced by Defendants.

3 40. Attached to this declaration as **Exhibit 40** are true and correct copies of  
4 UnitedCashLoans loan documents over time, numbered FTC-CLK-00018262-67, FTC-CLK-00002937-  
5 39, FTC-CLK-00005203-7, FTC-CLK-00003866-70, and FTC-CLK-00004788-801. These documents  
6 contain copies of UnitedCashLoans loan disclosures over time, obtained by the FTC from consumers or  
7 produced by the Colorado Office of the Attorney General and Intercept. Their appearance, contents,  
8 substance, internal patterns, and other distinctive characteristics resemble those of loan contracts  
9 produced by Defendants.

10 41. Attached to this declaration as **Exhibit 41** are true and correct copies USFastCash loan  
11 documents over time, numbered FTC-CLK-00003396-97, FTC-CLK-00003364-65, FTC-CLK-  
12 00018470-73, FTC-CLK-00003326-30, and AMG 00003500-05. These documents were obtained by  
13 the FTC from the Colorado Office of the Attorney General and Intercep, and AMG 00003500-05 was  
14 produced in discovery by AMG. Their appearance, contents, substance, internal patterns, and other  
15 distinctive characteristics resemble those of loan contracts produced by Defendants. Derek Douglas  
16 certified the document produced by AMG as a business record. (Exhibit 264, *infra*.)

17 42. Attached to this declaration as **Exhibit 42** are true and correct copies of Advantage Cash  
18 Services loan documents over time, produced by AMG and SFS during discovery, numbered  
19 AMG\_00457989-94, AMG\_00207862, AMG\_00207932, and Phase 1 Long Term 005081-84. Derek  
20 Douglas certified the documents produced by AMG as business records. (Exhibit 264, *infra*.)

21 43. Attached to this declaration as **Exhibit 43** are true and correct copies of  
22 StarCashProcessing loan documents produced by AMG during discovery, numbered AMG\_00056307-  
23 10, AMG\_00272343, and AMG\_00272408. Derek Douglas certified these documents as business  
24 records. (Exhibit 264, *infra*.)

25 44. Attached to this declaration as **Exhibit 44** Scott Tucker's answer to the FTC's amended  
26 complaint.

27 45. Attached to this declaration as **Exhibit 45** is Blaine Tucker's answer to the FTC's  
28 amended complaint.

1           46. Attached to this declaration as **Exhibit 46** is a true and correct copy of a AMG's  
2 agreement to purchase CLK, filed by AMG at ECF No. 300-5, pp. 49-54. Chief Gamble provided  
3 testimony regarding this document at ECF No. 300-1, ¶ 16.

4           47. Attached to this declaration as **Exhibit 47** is a true and correct copy of CLK's profit and  
5 loss statement for 2008, produced by the Tucker Defendants in discovery, numbered, TUCKER-  
6 DEF\_016454-56.

7           48. Attached to this declaration as **Exhibit 48** is a true and correct copy of a document  
8 produced by AMG during discovery, numbered AMG\_00018096-98.

9           49. Attached to this declaration as **Exhibit 49** is a true and correct copy of a document  
10 produced by AMG, numbered AMGPT\_00000248. Derek Douglas certified this document as a  
11 business record. (Exhibit 264, *infra*.)

12           50. Attached to this declaration as **Exhibit 50** is a true and correct copy of the declaration of  
13 Joshua Kendall.

14           51. Attached to this declaration as **Exhibit 51** is a true and correct copy of Red Cedar's  
15 responses to the FTC's requests to admit.

16           52. Attached to this declaration as **Exhibit 52** is a true and correct copy of SFS's responses  
17 to the FTC's requests to admit.

18           53. Attached to this declaration as **Exhibit 53** is a true and correct copy of MNES's  
19 responses to the FTC's requests to admit.

20           54. Attached to this declaration as **Exhibit 54** is a true and correct copy of a document  
21 produced by AMG during discovery, numbered AMG 00004262-91.

22           55. Attached to this declaration as **Exhibit 55** is a true and correct copy of a document  
23 produced by AMG during discovery, numbered AMG\_00097373-76.

24           56. Attached to this declaration as **Exhibit 56** is a true and correct copy of a document  
25 produced by AMG during discovery, numbered AMG\_00097294.

26           57. Attached to this declaration as **Exhibit 57** is a true and correct copy of the declaration of  
27 Susan Oxenford.  
28

1           58. Attached to this declaration as **Exhibit 58** is a true and correct copy of AMG's first  
2 amended answers to the FTC's expedited interrogatories.

3           59. Attached to this declaration as **Exhibit 59** is a true and correct copy of the transcript of  
4 the deposition of Natalie Dempsey.

5           60. Attached to this declaration as **Exhibit 60** is a true and correct copy of the transcript of  
6 the deposition of Tim Buckley.

7           61. Attached to this declaration as **Exhibit 61** is a true and correct copy of a document  
8 produced by AMG during discovery, numbered AMG\_00665826. Joe Frazier certified this document as  
9 a business record. (Exhibit 265, *infra*.)

10          62. Attached to this declaration as **Exhibit 62** is a true and correct copy of AMG's answers  
11 to the FTC's first set of interrogatories.

12          63. Attached to this declaration as **Exhibit 63** is a true and correct copy of a document  
13 produced by AMG during discovery, numbered AMG\_00663874-76. Derek Douglas certified this  
14 document as a business record. (Exhibit 264, *infra*.)

15          64. Attached to this declaration as **Exhibit 64** is a true and correct copy of a document  
16 produced by AMG during discovery, numbered AMG\_00663652-54. Derek Douglas certified this  
17 document as a business record. (Exhibit 264, *infra*.)

18          65. Attached to this declaration as **Exhibit 65** is a true and correct copy of a document  
19 produced by AMG during discovery, numbered AMG\_00664016. Derek Douglas certified this  
20 document as a business record. (Exhibit 264, *infra*.)

21          66. Attached to this declaration as **Exhibit 66** is a true and correct copy of AMG's  
22 supplemental privilege log in this matter.

23          67. Attached to this declaration as **Exhibit 67** is a true and correct copy of excerpts of the  
24 transcript of the deposition of Crystal Grote.

25          68. Attached to this declaration as **Exhibit 68** is a true and correct copy of Scott Tucker's  
26 responses to the FTC's first set of interrogatories.

27          69. Attached to this declaration as **Exhibit 69** is a true and correct copy of Troy LittleAxe's  
28 responses to the FTC's first set of interrogatories.



1           70. Attached to this declaration as **Exhibit 70** is a true and correct copy of a document  
2 produced by AMG during discovery, numbered AMG\_00458052. Derek Douglas certified this  
3 document as a business record. (Exhibit 264, *infra*.)

4           71. Attached to this declaration as **Exhibit 71** is a true and correct copy of a document  
5 produced by Red Cedar during discovery, numbered FTC-RCS-Phase II-014866.

6           72. Attached to this declaration as **Exhibit 72** is a true and correct copy of a document  
7 produced by AMG during discovery, numbered AMG\_00663682-87. Derek Douglas certified this  
8 document as a business record. (Exhibit 264, *infra*.)

9           73. Attached to this declaration as **Exhibit 73** are true and correct copies of consumer  
10 complaints produced by Intercept pursuant to a subpoena, numbered FTC-CLK-00018157-58, FTC-  
11 CLK-00018163-64, and FTC-CLK-00018198-204. Intercept certified these documents as business  
12 records. (Exhibit 252, *infra*.)

13           74. Attached to this declaration as **Exhibit 74** is a true and correct copy of a document  
14 produced by AMG during discovery, numbered AMG\_00664073-74. Derek Douglas certified this  
15 document as a business record. (Exhibit 264, *infra*.)

16           75. Attached to this declaration as **Exhibit 75** is a true and correct copy of a document  
17 produced by AMG during discovery, numbered AMG\_00664039. Derek Douglas certified this  
18 document as a business record. (Exhibit 264, *infra*.)

19           76. Attached to this declaration as **Exhibit 76** is a true and correct copy of the transcript of  
20 the deposition of Scott Tucker.

21           77. Attached to this declaration as **Exhibit 77** is a true and correct copy of a document  
22 produced by Red Cedar, numbered FTC-RCS-Phase II-014921.

23           78. Attached to this declaration as **Exhibit 78** is a true and correct copy of a document  
24 produced by Intercept pursuant to a subpoena, numbered FTC-CLK-00018162. Intercept certified this  
25 document as a business record. (Exhibit 252, *infra*.)

26           79. Attached to this declaration as **Exhibit 79** is a true and correct copy of a document  
27 produced by Intercept pursuant to a subpoena, numbered FTC-CLK-00017288-91. Intercept certified  
28 this document as a business record. (Exhibit 252, *infra*.)

1           80. Attached to this declaration as **Exhibit 80** is a true and correct copy of a document  
2 produced by AMG during discovery, numbered AMGPT\_00000091-92.

3           81. Attached to this declaration as **Exhibit 81** is a true and correct copy of AMG's amended  
4 answers to the FTC's fourth set of interrogatories.

5           82. Attached to this declaration as **Exhibit 82** are true and correct copies of corporate  
6 certificates of authority for AMG, MTE Financial Services, Red Cedar, SFS, and Tribal Financial  
7 Services, produced by US Bank pursuant to a civil investigative demand. US Bank certified these  
8 documents as business records. (Exhibit 253, *infra*.)

9           83. Attached to this declaration as **Exhibit 83** is a true and correct copy of check images  
10 produced by AMG and MNES during discovery, numbered MT0003097, MT0059651, MT0006660,  
11 MT0005752, MT0009100, MT0006880, MT0039900, MT0040038, MT0040232, MT0002443,  
12 MT0002091, MT0063539, MT0049723, MT0002663, MT0039298, MT0006252, and MT0048949.  
13 AMG and MNES provided interrogatory responses regarding check images. (Exhibits 246 and 247,  
14 *infra*.) In addition, Derek Douglas certified these documents as business records. (Exhibit 264, *infra*.)

15           84. Attached to this declaration as **Exhibit 84** is a true and correct copy of a document  
16 produced by AMG and MNES during discovery, numbered MT0000736-37. AMG and MNES provided  
17 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek  
18 Douglas certified this document as a business record. (Exhibit 264, *infra*.)

19           85. Attached to this declaration as **Exhibit 85** are true and correct copies of check images  
20 produced by Plains Capital Bank pursuant to a subpoena, numbered FTC-PCC-0000045-46. Plains  
21 Capital Bank certified these documents as business records. (Exhibit 254, *infra*.)

22           86. Attached to this declaration as **Exhibit 86** are true and correct copies of check images,  
23 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
24 business records. (Exhibit 253, *infra*.)

25           87. Attached to this declaration as **Exhibit 87** is a true and correct copy of a document  
26 produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_017783-88.

27           88. Attached to this declaration as **Exhibit 88** is a true and correct copy of a document  
28 produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_016839-83.

1           89. Attached to this declaration as **Exhibit 89** is a true and correct copy of a document  
2 produced by AMG and MNES during discovery, numbered MT0001517-20. AMG and MNES  
3 provided interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra.*) In addition,  
4 Derek Douglas certified this document as a business record. (Exhibit 264, *infra.*)

5           90. Attached to this declaration as **Exhibit 90** is a true and correct copy of a document  
6 produced by AMG and MNES during discovery, numbered AMGPT\_00000379-413. Craig Weaver  
7 certified this document as a business record. (Exhibit 260, *infra.*)

8           91. Attached to this declaration as **Exhibit 91** is a true and correct copy of a document  
9 produced by AMG and MNES during discovery, numbered MT0001128-31. AMG and MNES provided  
10 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra.*) In addition, Derek  
11 Douglas certified this document as a business record. (Exhibit 264, *infra.*)

12           92. Attached to this declaration as **Exhibit 92** is a true and correct copy of a document  
13 produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_016697-724.

14           93. Attached to this declaration as **Exhibit 93** are true and correct copies of check images,  
15 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
16 business records. (Exhibit 253, *infra.*)

17           94. Attached to this declaration as **Exhibit 94** are true and correct copies of check images,  
18 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
19 business records. (Exhibit 253, *infra.*)

20           95. Attached to this declaration as **Exhibit 95** is a true and correct copy of a document  
21 produced by AMG and MNES during discovery, numbered MT0032275-76. AMG and MNES provided  
22 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra.*) In addition, Derek  
23 Douglas certified this document as a business record. (Exhibit 264, *infra.*)

24           96. Attached to this declaration as **Exhibit 96** is a true and correct copy of a document  
25 produced by AMG and MNES during discovery, numbered MT0031657-65. AMG and MNES provided  
26 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra.*) In addition, Derek  
27 Douglas certified this document as a business record. (Exhibit 264, *infra.*)  
28

1           97. Attached to this declaration as **Exhibit 97** is a true and correct copy of a document  
2 produced by AMG and MNES during discovery, numbered MT0001072-74. AMG and MNES provided  
3 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra.*) In addition, Derek  
4 Douglas certified this document as a business record. (Exhibit 264, *infra.*)

5           98. Attached to this declaration as **Exhibit 98** is a true and correct copy of a document  
6 produced by AMG and MNES during discovery, numbered MT0030344-46. AMG and MNES provided  
7 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra.*) In addition, Derek  
8 Douglas certified this document as a business record. (Exhibit 264, *infra.*)

9           99. Attached to this declaration as **Exhibit 99** is a true and correct copy of a document  
10 produced by AMG and MNES during discovery, numbered MT0032305. AMG and MNES provided  
11 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra.*) In addition, Derek  
12 Douglas certified this document as a business record. (Exhibit 264, *infra.*)

13           100. Attached to this declaration as **Exhibit 100** is a true and correct copy of the transcript of  
14 the deposition of Anita Finney.

15           101. Attached to this declaration as **Exhibit 101** is a true and correct copy of a document  
16 produced by Intercept pursuant to a subpoena, numbered FTC-CLK-00016925-27. Intercept certified  
17 this document as a business record. (Exhibit 252, *infra.*)

18           102. Attached to this declaration as **Exhibit 102** is a true and correct copy of a document  
19 produced by Intercept pursuant to a subpoena, numbered FTC-CLK-00017011. Intercept certified this  
20 document as a business record. (Exhibit 252, *infra.*)

21           103. Attached to this declaration as **Exhibit 103** is a true and correct copy of a document  
22 produced by Central States Capital Markets pursuant to a subpoena, numbered FTC-CSCM\_0004901-  
23 02.

24           104. Attached to this declaration as **Exhibit 104** is a true and correct copy of a document  
25 produced by Central States Capital Markets pursuant to a subpoena, numbered FTC-CSCM\_0003687.

26           105. Attached to this declaration as **Exhibit 105** is a true and correct copy of a document  
27 produced by Intercept pursuant to a subpoena, numbered FTC-CLK-00016994-96. Intercept certified  
28 this document as a business record. (Exhibit 252, *infra.*)

106. Attached to this declaration as **Exhibit 106** is a true and correct copy of a document produced by SFS during discovery, numbered FTC-SFS-Phase II-004594.

107. Attached to this declaration as **Exhibit 107** is a true and correct copy of a document produced by AMG during discovery, numbered AMG\_00438293-95. Derek Douglas certified this document as a business record. (Exhibit 264, *infra*.)

108. Attached to this declaration as **Exhibit 108** is a true and correct copy of a document produced by AMG during discovery, numbered AMG\_00450506. Derek Douglas certified this document as a business record. (Exhibit 264, *infra*.)

109. Attached to this declaration as **Exhibit 109** is a true and correct copy of the declaration of Alton Irby.

110. Attached to this declaration as **Exhibit 110** is a true and correct copy of a document produced by Central States Capital Markets pursuant to a subpoena, numbered FTC-CSCM\_0003470-73.

111. Attached to this declaration as **Exhibit 111** are true and correct copies of documents produced by Intercept pursuant to a subpoena, numbered FTC-CLK-00016994-96, FTC-CLK-00017011, FTC-CLK-00017173-74, FTC-CLK-00017332, and FTC-CLK-00018125-27. Intercept certified these documents as business records. (Exhibit 252, *infra*.)

112. Attached to this declaration as **Exhibit 112** is a true and correct copy of a document produced by Intercept pursuant to a subpoena, numbered FTC-CLK-00018092-93. Intercept certified this document as a business record. (Exhibit 252, *infra*.)

113. Attached to this declaration as **Exhibit 113** is a true and correct copy of a document produced by Intercept pursuant to a subpoena, numbered FTC-CLK-00018415. Intercept certified this document as a business record. (Exhibit 252, *infra*.)

114. Attached to this declaration as **Exhibit 114** is a true and correct copy of a document produced by Intercept pursuant to a subpoena, numbered FTC-CLK-00016937-39. Intercept certified this document as a business record. (Exhibit 252, *infra*.)

115. Attached to this declaration as **Exhibit 115** is a true and correct copy of a document produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_016972-95.

1           116. Attached to this declaration as **Exhibit 116** is a true and correct copy of Level 5's first  
2 amended responses to the FTC's first set of interrogatories.

3           117. Attached to this declaration as **Exhibit 117** is a true and correct copy bank records  
4 obtained from Plains Capital Bank, Bay Cities Bank, Midwest Trust Bank, and First International Bank  
5 & Trust via a subpoena, and US Bank via a civil investigative demand. The banks certified these  
6 documents as business records. (Exhibits 251, 253, 254, 255, and 256, *infra*.)

7           118. Attached to this declaration as **Exhibit 118** is a true and correct copy Scott Tucker's  
8 amended responses to the FTC's first set of interrogatories.

9           119. Attached to this declaration as **Exhibit 119** is a true and correct copy of a document  
10 produced by AMG during discovery, numbered AMG\_00155533.

11           120. Attached to this declaration as **Exhibit 120** is a true and correct copy of a document  
12 produced by AMG during discovery, numbered AMG\_00471338. Derek Douglas certified this  
13 document as a business record. (Exhibit 264, *infra*.)

14           121. Attached to this declaration as **Exhibit 121** is a true and correct copy of a document  
15 produced by AMG during discovery, numbered AMG\_00459137. Derek Douglas certified this  
16 document as a business record. (Exhibit 264, *infra*.)

17           122. Attached to this declaration as **Exhibit 122** is a true and correct copy of Blaine Tucker's  
18 first supplemental responses to the FTC's first set of interrogatories.

19           123. Attached to this declaration as **Exhibit 123** is a true and correct copy of a document  
20 produced by AMG during discovery, numbered AMG\_00662434. Derek Douglas certified this  
21 document as a business record. (Exhibit 264, *infra*.)

22           124. Attached to this declaration as **Exhibit 124** is a true and correct copy of a document  
23 produced by AMG during discovery, numbered AMG\_00665576. Derek Douglas certified this  
24 document as a business record. (Exhibit 264, *infra*.)

25           125. Attached to this declaration as **Exhibit 125** is a true and correct copy of a document  
26 produced by AMG during discovery, numbered AMG\_00662424. Derek Douglas certified this  
27 document as a business record. (Exhibit 264, *infra*.)  
28

1           126. Attached to this declaration as **Exhibit 126** is a true and correct copy of a document  
2 produced by AMG during discovery, numbered AMG\_00518271-72. Derek Douglas certified this  
3 document as a business record. (Exhibit 264, *infra*.)

4           127. Attached to this declaration as **Exhibit 127** is a true and correct copy of a document  
5 produced by AMG and MNES during discovery, numbered MT0031675-76. AMG and MNES provided  
6 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek  
7 Douglas certified this document as a business record. (Exhibit 264, *infra*.)

8           128. Attached to this declaration as **Exhibit 128** is a true and correct copy of a document  
9 produced by AMG and MNES during discovery, numbered MT0030249. AMG and MNES provided  
10 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek  
11 Douglas certified this document as a business record. (Exhibit 264, *infra*.)

12           129. Attached to this declaration as **Exhibit 129** is a true and correct copy of a document  
13 produced by AMG and MNES during discovery, numbered MT0030884-86. AMG and MNES provided  
14 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek  
15 Douglas certified this document as a business record. (Exhibit 264, *infra*.)

16           130. Attached to this declaration as **Exhibit 130** is a true and correct copy of a document  
17 produced by AMG and MNES during discovery, numbered MT0031814. AMG and MNES provided  
18 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek  
19 Douglas certified this document as a business record. (Exhibit 264, *infra*.)

20           131. Attached to this declaration as **Exhibit 131** are true and correct copies of check images  
21 produced by AMG and MNES during discovery, numbered MT0049003, MT0047770, MT0040482,  
22 MT0044506, MT0040746, MT0005764, MT0002141, MT0048508, MT0048478, MT0002855,  
23 MT00477268, MT0039914, MT0006312, and MT0002697. AMG and MNES provided interrogatory  
24 responses regarding check images. (Exhibits 246 and 247, *infra*.) In addition, Derek Douglas certified  
25 the AMG-produced documents as business records. (Exhibit 264, *infra*.) Also contained in Exhibit 131  
26 are true and correct copies of check images produced by the Tucker Defendants, numbered TUCKER-  
27 DEF\_000323-29.  
28



1           132. Attached to this declaration as **Exhibit 132** are true and correct copies of check images,  
2 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
3 business records. (Exhibit 253, *infra*.)

4           133. Attached to this declaration as **Exhibit 133** is a true and correct copy of a document  
5 produced by AMG and MNES during discovery, numbered MT0031028-41. AMG and MNES  
6 provided interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In  
7 addition, Derek Douglas certified this document as a business record. (Exhibit 264, *infra*.)

8           134. Attached to this declaration as **Exhibit 134** is a true and correct copy of a document  
9 produced by AMG and MNES during discovery, numbered MT0031115-34. AMG and MNES provided  
10 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek  
11 Douglas certified this document as a business record. (Exhibit 264, *infra*.)

12           135. Attached to this declaration as **Exhibit 135** is a true and correct copy of a document  
13 produced by AMG and MNES during discovery, numbered MT0030892. AMG and MNES provided  
14 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek  
15 Douglas certified this document as a business record. (Exhibit 264, *infra*.)

16           136. Attached to this declaration as **Exhibit 136** is a true and correct copy of a document  
17 produced by AMG and MNES during discovery, numbered MT0030982-31027. AMG and MNES  
18 provided interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition,  
19 Derek Douglas certified this document as a business record. (Exhibit 264, *infra*.)

20           137. Attached to this declaration as **Exhibit 137** is a true and correct copy of a document  
21 produced by AMG and MNES during discovery, numbered MT0000559-60. AMG and MNES provided  
22 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek  
23 Douglas certified this document as a business record. (Exhibit 264, *infra*.)

24           138. Attached to this declaration as **Exhibit 138** is a true and correct copy of a document  
25 produced by AMG and MNES during discovery, numbered MT0001117. AMG and MNES provided  
26 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek  
27 Douglas certified this document as a business record. (Exhibit 264, *infra*.)  
28



139. Attached to this declaration as **Exhibit 139** is a true and correct copy of a document produced by AMG during discovery, numbered AMG\_00398424. Derek Douglas certified this document as a business record. (Exhibit 264, *infra*.)

140. Attached to this declaration as **Exhibit 140** is a true and correct copy of a document produced by Central States Capital Markets pursuant to a subpoena, numbered FTC-CSCM\_0004784.

141. Attached to this declaration as **Exhibit 141** is a true and correct copy of Blaine Tucker's amended response to the FTC's first set of interrogatories.

142. Attached to this declaration as **Exhibit 142** is a true and correct copy of LeadFlash's amended response to the FTC's first set of interrogatories.

143. Attached to this declaration as **Exhibit 143** are true and correct copies of check images, produced by AMG and MNES during discovery, numbered MT0040038, MT0040482, MT0040882, MT0040992, MT0041012, MT0041018, MT0041082, MT0044288, MT0044628, MT0044712, MT0044732, MT0044738, and MT0061672. AMG and MNES provided interrogatory responses regarding check images. (Exhibits 246 and 247, *infra*.) In addition, Derek Douglas certified the AMG-produced documents as business records. (Exhibit 264, *infra*.) Also included in Exhibit 143 are check images produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as business records. (Exhibit 253, *infra*.)

144. Attached to this declaration as **Exhibit 144** is a true and correct copy of MNES's answers to the FTC's first set of interrogatories.

145. Attached to this declaration as **Exhibit 145** is a true and correct copy of SFS's amended answers to the FTC's first set of interrogatories.

146. Attached to this declaration as **Exhibit 146** is a true and correct copy of Red Cedar's amended answers to the FTC's first set of interrogatories.

147. Attached to this declaration as **Exhibit 147** is a true and correct copy of a document produced by AMG during discovery, numbered AMG\_00421024-28.

148. Attached to this declaration as **Exhibit 148** is a true and correct copy of a document produced by AMG during discovery, numbered AMG\_00421021-23. Derek Douglas certified this document as a business record. (Exhibit 264, *infra*.)

1           149. Attached to this declaration as **Exhibit 149** is a true and correct copy of Red Cedar's  
2 answers to the FTC's expedited interrogatories.

3           150. Attached to this declaration as **Exhibit 150** is a true and correct copy of SFS's answers to  
4 the FTC's expedited interrogatories.

5           151. Attached to this declaration as **Exhibit 151** is a true and correct copy of AMG's  
6 responses to the FTC's requests for admissions.

7           152. Attached to this declaration as **Exhibit 152** is a true and correct copy of Scott Tucker's  
8 answers to the FTC's second set of interrogatories.

9           153. Attached to this declaration as **Exhibit 153** is a true and correct copy of the transcript of  
10 the deposition of Kim Tucker.

11           154. Attached to this declaration as **Exhibit 154** is a true and correct copy of Kim Tucker's  
12 supplemental answers to the FTC's second set of interrogatories.

13           155. Attached to this declaration as **Exhibit 155** is a true and correct copy of the declaration  
14 of Carolyn Williams.

15           156. Attached to this declaration as **Exhibit 156** is a true and correct copy of the declaration  
16 of Ivan Valdivia.

17           157. Attached to this declaration as **Exhibit 157** is a true and correct copy of the declaration  
18 of William James.

19           158. Attached to this declaration as **Exhibit 158** is a true and correct copy of AMG's answers  
20 to the FTC's expedited interrogatories.

21           159. Attached to this declaration as **Exhibit 159** is a true and correct copy of a document  
22 produced by AMG during discovery, numbered AMG\_00019215-19.

23           160. Attached to this declaration as **Exhibit 160** is a true and correct copy of a document  
24 produced by AMG during discovery, numbered AMG\_00021910-15.

25           161. Attached to this declaration as **Exhibit 161** is a true and correct copy of the declaration  
26 of Gerri Carpenter.

27           162. Attached to this declaration as **Exhibit 162** is a true and correct copy of a document  
28 produced by AMG during discovery, numbered AMG\_00005918-19.

1 163. Attached to this declaration as **Exhibit 163** is a true and correct copy of a document  
2 produced by AMG during discovery, numbered AMG\_00025539-42.

3 164. Attached to this declaration as **Exhibit 164** is a true and correct copy of a document  
4 produced by RCS during discovery, numbered FTC-RCS-PhaseII-014860.

5 165. Attached to this declaration as **Exhibit 165** is a true and correct copy of a document  
6 produced by RCS during discovery, numbered FTC-RCS-PhaseII-012813.

7 166. Attached to this declaration as **Exhibit 166** is a true and correct copy of the declaration  
8 of Carolyn Williams.

9 167. **Exhibit 167** to the FTC's summary judgment motion is a true and correct copy of an  
10 audio recording produced by AMG, numbered AMGPT\_00000250. Ms. Williams provided testimony  
11 regarding this recording. (Exhibit 166, *supra*, ¶ 7.) A disc containing the audio recording exhibits will  
12 be delivered to the Court's chambers at the conclusion of the summary judgment motion briefing.

13 168. Attached to this declaration as **Exhibit 168** are true and correct copies of bank records  
14 produced by Bank Midwest, Brotherhood Bank & Trust, and TD Ameritrade. Also included in Exhibit  
15 168 are true and correct copies of documents produced by AMG and MNE during discovery, numbered  
16 MT0030981, MT0000795, MT0000814, and MT0000815. AMG and MNEs provided interrogatory  
17 responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek Douglas  
18 certified the AMG-produced documents as business records. (Exhibit 264, *infra*.) Bank Midwest,  
19 Brotherhood Bank & Trust, and TD Ameritrade certified the documents in their productions as business  
20 records. (Exhibits 257, 258, and 259, *infra*.)

21 169. Attached to this declaration as **Exhibit 169** is a true and correct copy of Level 5's  
22 responses to the FTC's first set of interrogatories.

23 170. Attached to this declaration as **Exhibit 170** is a true and correct copy of a draft of Squar  
24 Milner's Advanced Monies report, numbered AMGPT\_00016399. Craig Weaver certified this  
25 document as a business record. (Exhibit 260, *infra*.)

26 171. Attached to this declaration as **Exhibit 171** is a true and correct copy of excerpts of a  
27 document produced by AMG in discovery, numbered FTC-AMG-000067-68, FTC-AMG-000073-74,  
28

1 FTC-AMG-000112-13, FTC-AMG-000118, and FTC-AMG-000120. Derek Douglas certified this  
2 document as a business record. (Exhibit 264, *infra*.)

3 172. Attached to this declaration as **Exhibit 172** is a true and correct copy of a document  
4 obtained by Billing Tree via subpoena, numbered FTC\_BT 0000055-56. Billing Tree certified the  
5 documents in its production as business records. (Exhibit 261, *infra*.) Derek Douglas certified this  
6 document as a business record. (Exhibit 264, *infra*.)

7 173. Attached to this declaration as **Exhibit 173** is a true and correct copy of excerpts of a  
8 document produced by MNES in discovery, numbered FTC-MNE-0000272-301. Derek Douglas  
9 certified this document as a business record. (Exhibit 264, *infra*.)

10 174. Attached to this declaration as **Exhibit 174** is a true and correct copy of excerpts of a  
11 document produced by SFS in discovery, numbered FTC-SFS-000003-09. SFS provided an  
12 interrogatory response regarding this document. (Exhibit 249, *infra*.) In addition, Derek Douglas  
13 certified this document as a business record. (Exhibit 264, *infra*.)

14 175. Attached to this declaration as **Exhibit 175** is a true and correct copy of excerpts of a  
15 document produced by RCS in discovery, numbered FTC-RCS-000006, FTC-RCS-000009, and FTC-  
16 RCS-000011-12. Red Cedar provided an interrogatory response regarding this document. (Exhibit 248,  
17 *infra*.) In addition, Derek Douglas certified this document as a business record. (Exhibit 264, *infra*.)

18 176. Attached to this declaration as **Exhibit 176** are true and correct copies of documents  
19 produced by AMG and MNES during discovery, numbered MT0004707, MT0004709, MT0004711,  
20 MT0004713, MT0004715, MT0004717, MT0004719, MT0004721, MT0004723, MT0004725,  
21 MT0004727, MT0007981, MT0007983, MT0007985, MT0007987, MT0007989, MT0007991,  
22 MT0007993, MT0007995, and MT0007997. AMG and MNES provided interrogatory responses  
23 regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek Douglas certified these  
24 documents as business records. (Exhibit 264, *infra*.)

25 177. Attached to this declaration as **Exhibit 177** are true and correct copies of documents  
26 produced by AMG and MNES during discovery, numbered MT0022863, MT0022866, MT0022868,  
27 MT0022871, MT0024466, MT0024470, MT0024472, MT0024474, MT0025832, MT0025834,  
28

1 MT0025836, MT0025839, MT0027110, MT0027592, and MT0027598. AMG and MNES provided  
2 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.)

3 178. Attached to this declaration as **Exhibit 178** are true and correct copies of documents  
4 produced by AMG and MNES during discovery, numbered MT0000823-30, MT0000832-33,  
5 MT0029657-61, MT0029663, MT0029665-67, and MT0029669-72. AMG and MNES provided  
6 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek  
7 Douglas certified these documents as business records. (Exhibit 264, *infra*.)

8 179. Attached to this declaration as **Exhibit 179** are true and correct copies of documents  
9 produced by AMG and MNES during discovery, numbered MT0000792-94, MT0000790, MT0001026,  
10 MT0030140-41, MT0030143-47, MT0030151, MT0030156-57, MT0001075, MT0030351-53,  
11 MT0030359, MT0030364, MT0022861, MT0001238, MT0001244, MT0001245, MT0001248,  
12 MT0005159, and MT0032574-75. AMG and MNES provided interrogatory responses regarding vendor  
13 payments. (Exhibits 246 and 247, *infra*.) In addition, Derek Douglas certified these documents as  
14 business records. (Exhibit 264, *infra*.)

15 180. Attached to this declaration as **Exhibit 180** are true and correct copies of documents  
16 produced by AMG and MNES during discovery, numbered MT0003097, MT0009924, and  
17 MT0006660. AMG and MNES provided interrogatory responses regarding check images. (Exhibits  
18 246 and 247, *infra*.) In addition, Derek Douglas certified the AMG-produced documents as business  
19 records. (Exhibit 264, *infra*.) Also included in Exhibit 180 are true and correct copies of documents  
20 produced by the Tucker Defendants during discovery, numbered TUCKER-DEF\_016281-85,  
21 TUCKER-DEF\_018786-87, TUCKER-DEF\_018874-75, TUCKER-DEF\_018881, TUCKER-  
22 DEF\_018888-89, and TUCKER-DEF\_018899-00. Also included in Exhibit 180 are true and correct  
23 copies obtained from US Bank via CID. US Bank certified the documents in its production as business  
24 records. (Exhibit 253, *infra*.)

25 181. Attached to this declaration as **Exhibit 181** are true and correct copies of documents  
26 produced by AMG and MNES during discovery, numbered MT0001887, MT0001957, MT0002779,  
27 MT0005512, MT0008858, MT0009100, MT0008930, MT0039736, MT0048500, MT0048506,  
28 MT0048510, MT0048512, MT0048516, MT0048534, and MT0048544. AMG and MNES provided

1 interrogatory responses regarding check images. (Exhibits 246 and 247, *infra.*) In addition, Derek  
2 Douglas certified the AMG-produced documents as business records. (Exhibit 264, *infra.*) Also  
3 included in Exhibit 180 are true and correct copies of documents produced by the Tucker Defendants  
4 during discovery, numbered TUCKER-DEF\_015649-51, TUCKER-DEF\_000509, TUCKER-  
5 DEF\_000491, and TUCKER-DEF\_000001-53.

6 182. Attached to this declaration as **Exhibit 182** are true and correct copies of documents  
7 produced by AMG and MNES during discovery, numbered MT0002483, MT0006104, MT0009452,  
8 MT0039914, MT0039970, MT0040562, MT0042874, MT0042912, MT0043308, MT0043846,  
9 MT0044346, MT0047826, MT0048514, MT0048889, MT0049969, MT0055079, MT0058799,  
10 MT0063735, MT0067312, and MT0073659. AMG and MNES provided interrogatory responses  
11 regarding check images. (Exhibits 246 and 247, *infra.*) In addition, Derek Douglas certified these  
12 documents as business records. (Exhibit 264, *infra.*)

13 183. Attached to this declaration as **Exhibit 183** are true and correct copies of documents  
14 produced by AMG and MNES during discovery, numbered MT0059651, MT0068090, MT0069842,  
15 MT0002141, MT0002717, MT0066972, MT0067460, MT0073805, MT0049573, MT0063335,  
16 MT0002441, MT0002777, MT0002855, MT0002095, MT0048498, MT0054685, MT0003203,  
17 MT0006768, MT0066928, MT0073273, MT0039158, and MT0060592. AMG and MNES provided  
18 interrogatory responses regarding check images. (Exhibits 246 and 247, *infra.*) In addition, Derek  
19 Douglas certified these documents as business records. (Exhibit 264, *infra.*)

20 184. Attached to this declaration as **Exhibit 184** is a true and correct copy of Level 5's first  
21 amended responses to the FTC's first set of interrogatories.

22 185. Attached to this declaration as **Exhibit 185** is a true and correct copy of a document  
23 produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_001693.

24 186. Attached to this declaration as **Exhibit 186** is a true and correct copy of an excerpt of a  
25 document produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_009484.

26 187. Attached to this declaration as **Exhibit 187** is a true and correct copy of a document  
27 produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_019432.  
28

1 188. Attached to this declaration as **Exhibit 188** is a true and correct copy of an excerpt of a  
2 document produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_004078.

3 189. Attached to this declaration as **Exhibit 189** is a true and correct copy of a capture of  
4 Level 5's website, as of April 2012. Victoria Budich provided testimony regarding the capture of the  
5 website content at ECF No. 5-24 ¶¶ 52-55.

6 190. Attached to this declaration as **Exhibit 190** is a true and correct copy of an excerpt of a  
7 document produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_009485-9511.

8 191. Attached to this declaration as **Exhibit 191** is a true and correct copy of a document  
9 produced by AMG in discovery, numbered AMG\_00543795-98. Derek Douglas certified this document  
10 as a business record. (Exhibit 264, *infra.*) Also included in Exhibit 191 is a true and correct copy of an  
11 article titled, "Level 5 Earns Podium Finish at Le Mans," captured from the PlanetLeMans website.

12 192. Attached to this declaration as **Exhibit 192** is a true and correct copy of a document  
13 produced by AMG and MNES in discovery, numbered MT0033918-20. AMG and MNES provided  
14 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra.*) In addition, Derek  
15 Douglas certified this document as a business record. (Exhibit 264, *infra.*)

16 193. Attached to this declaration as **Exhibit 193** is a true and correct copy of a document  
17 produced by AMG and MNES in discovery, numbered MT0033927-28. AMG and MNES provided  
18 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra.*) In addition, Derek  
19 Douglas certified this document as a business record. (Exhibit 264, *infra.*)

20 194. Attached to this declaration as **Exhibit 194** are true and correct copies of documents  
21 produced by AMG during discovery, numbered AMG\_00421082-83, AMG\_00421309,  
22 AMG\_00421448-49. Derek Douglas certified these document as business records. (Exhibit 264, *infra.*)

23 195. Attached to this declaration as **Exhibit 195** is a true and correct copy of the transcript of  
24 the Rule 30(b)(6) deposition of Level 5, by Carol Brophy, dated October 28, 2015.

25 196. Attached to this declaration as **Exhibit 196** is a true and correct copy of a document  
26 produced by Level 5 in discovery, numbered LEVELFIVE000011-17.

27 197. Attached to this declaration as **Exhibit 197** is a true and correct copy of a document  
28 produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_001656-59.



1           198. Attached to this declaration as **Exhibit 198** is a true and correct copy of a document  
2 produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_019489-95.

3           199. Attached to this declaration as **Exhibit 199** is a true and correct copy of a document  
4 produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_019026-30.

5           200. Attached to this declaration as **Exhibit 200** is a true and correct copy of a document  
6 produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_017256-65.

7           201. Attached to this declaration as **Exhibit 201** is a true and correct copy of Black Creek's  
8 second amended responses to the FTC's first set of interrogatories.

9           202. Attached to this declaration as **Exhibit 202** is a true and correct copy of a document  
10 produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_001653.

11           203. Attached to this declaration as **Exhibit 203** are true and correct copies of check images,  
12 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
13 business records. (Exhibit 253, *infra*.)

14           204. Attached to this declaration as **Exhibit 204** are true and correct copies of check images,  
15 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
16 business records. (Exhibit 253, *infra*.)

17           205. Attached to this declaration as **Exhibit 205** are true and correct copies of check images,  
18 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
19 business records. (Exhibit 253, *infra*.)

20           206. Attached to this declaration as **Exhibit 206** are true and correct copies of check images,  
21 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
22 business records. (Exhibit 253, *infra*.)

23           207. Attached to this declaration as **Exhibit 207** are true and correct copies of check images,  
24 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
25 business records. (Exhibit 253, *infra*.)

26           208. Attached to this declaration as **Exhibit 208** are true and correct copies of check images,  
27 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
28 business records. (Exhibit 253, *infra*.)



1           209. Attached to this declaration as **Exhibit 209** is a true and correct copy of the transcript of  
2 the Rule 30(b)(6) deposition of Black Creek, by Kenneth Kost, dated October 27, 2015.

3           210. Attached to this declaration as **Exhibit 210** is a true and correct copy of a document  
4 produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_001654-55.

5           211. Attached to this declaration as **Exhibit 211** are true and correct copies of documents  
6 produced by AMG and MNES during discovery, numbered MT0040038, MT0040482, MT0040882,  
7 MT0040992, MT0041012, MT0041018, MT0041082, MT0044288, MT0044628, MT0044712,  
8 MT0044732, MT0044738, MT0061672, MT0061923, MT0062554, MT0062664, MT0062690,  
9 MT0070810, MT0070914, and MT0070920. AMG and MNES provided interrogatory responses  
10 regarding check images. (Exhibits 246 and 247, *infra*.) In addition, Derek Douglas certified these  
11 documents as business records. (Exhibit 264, *infra*.)

12           212. Attached to this declaration as **Exhibit 212** are true and correct copies of the articles of  
13 incorporation and certificate of reinstatement for B.A.T. Services, certified by the Office of the  
14 Secretary of State of the State of Nevada, numbered FTC-CLK-0031256-61.

15           213. Attached to this declaration as **Exhibit 213** is a true and correct copy of the transcript of  
16 the Rule 30(b)(6) deposition of LeadFlash, by Nereyda Tucker, dated October 26, 2015.

17           214. Attached to this declaration as **Exhibit 214** is a true and correct copy of LeadFlash's  
18 amended responses to the FTC's first set of interrogatories.

19           215. Attached to this declaration as **Exhibit 215** is a true and correct copy of Broadmoor's  
20 responses to the FTC's first set of interrogatories.

21           216. Attached to this declaration as **Exhibit 216** is a true and correct copy of a document  
22 produced by the Tucker Defendants in discovery, numbered TUCKER-DEF\_016912-29.

23           217. Attached to this declaration as **Exhibit 217** is a true and correct copy of AMG Capital's  
24 responses to the FTC's first set of interrogatories.

25           218. Attached to this declaration as **Exhibit 218** is a true and correct copy of a document  
26 produced by BA Services pursuant to a subpoena, numbered BA Services 00032-38.

27           219. Attached to this declaration as **Exhibit 219** is a true and correct copy of a document  
28 produced by BA Services pursuant to a subpoena, numbered BA Services 00001-27.

1           220. Attached to this declaration as **Exhibit 220** is a true and correct copy of a document  
2 produced by BA Services pursuant to a subpoena, numbered BA Services 00120-31.

3           221. Attached to this declaration as **Exhibit 221** is a true and correct copy of a document  
4 produced by BA Services pursuant to a subpoena, numbered BA Services 00041-95.

5           222. **Exhibit 222** to the FTC's summary judgment motion is a true and correct copy of an  
6 audio recording produced by AMG, numbered AMGPT\_00000252. Ms. Williams provided testimony  
7 regarding this recording. (Exhibit 166, *supra*, ¶ 9.) A disc containing the audio recording exhibits will  
8 be delivered to the Court's chambers at the conclusion of the summary judgment motion briefing.

9           223. Attached to this declaration as **Exhibit 223** are true and correct copies of wire transfer  
10 confirmations produced by Plains Capital Bank pursuant to a subpoena, numbered FTC-PCC-0000030,  
11 FTC-PCC-0000034, FTC-PCC-0000033, and FTC-PCC-0000032. Plains Capital Bank certified these  
12 documents as business records. (Exhibit 254, *infra*.)

13           224. Attached to this declaration as **Exhibit 224** are true and correct copies of check images  
14 by Welch State Bank pursuant to a subpoena, numbered FTC-Welch\_0005313, FTC-Welch\_0005295,  
15 FTC-Welch\_0005424, FTC-Welch\_0005404.

16           225. Attached to this declaration as **Exhibit 225** is a true and correct copy of the transcript of  
17 the Rule 30(b)(6) deposition of BA Services, by Kenneth Kost, dated October 27, 2015.

18           226. Attached to this declaration as **Exhibit 226** is a true and correct copy of Kim Tucker's  
19 supplemental answers to the FTC's first set of interrogatories.

20           227. Attached to this declaration as **Exhibit 227** are true and correct copies of bank  
21 statements, produced by US Bank pursuant to a civil investigative demand. US Bank certified these  
22 documents as business records. (Exhibit 253, *infra*.)

23           228. Attached to this declaration as **Exhibit 228** is a true and correct copy of a check image,  
24 produced by US Bank pursuant to a civil investigative demand. US Bank certified the documents in its  
25 production as business records. (Exhibit 253, *infra*.)

26           229. Attached to this declaration as **Exhibit 229** are true and correct copies of check images,  
27 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
28 business records. (Exhibit 253, *infra*.)

1           230. Attached to this declaration as **Exhibit 230** are true and correct copies of check images,  
2 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
3 business records. (Exhibit 253, *infra*.)

4           231. Attached to this declaration as **Exhibit 231** are true and correct copies of check images,  
5 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
6 business records. (Exhibit 253, *infra*.)

7           232. Attached to this declaration as **Exhibit 232** are true and correct copies of check images,  
8 produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as  
9 business records. (Exhibit 253, *infra*.)

10          233. Attached to this declaration as **Exhibit 233** is a true and correct copy of a document  
11 produced by AMG and MNES in discovery, numbered MT0029218-29. AMG and MNES provided  
12 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek  
13 Douglas certified this document as a business record. (Exhibit 264, *infra*.)

14          234. Attached to this declaration as **Exhibit 234** is a true and correct copy of a document  
15 produced by AMG and MNES in discovery, numbered MT0029173-217. AMG and MNES provided  
16 interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek  
17 Douglas certified this document as a business record. (Exhibit 264, *infra*.)

18          235. Attached to this declaration as **Exhibit 235** is a true and correct copy of Park 269's  
19 supplemental answers to the FTC's first set of interrogatories.

20          236. Attached to this declaration as **Exhibit 236** is a true and correct copy of the sales detail  
21 information, owner detail information, and photograph for Park 269's property in Aspen, Colorado,  
22 maintained by the Pitkin County (Colorado) Assessor's office, available from the assessor's website at  
23 [www.ptkinassessor.org/Assessor/](http://www.ptkinassessor.org/Assessor/).

24          237. Attached to this declaration as **Exhibit 237** is a true and correct copy of the transcript of  
25 the Rule 30(b)(6) deposition of Park 269, by Stanley H. House, dated December 9, 2015.

26          238. Attached to this declaration as **Exhibit 238** are true and correct copies of tax payment  
27 receipts dated Feb. 11, 2010, May 12, 2010, Mar. 2, 2011, and Feb. 7, 2012, for Park 269's property in  
28

Aspen, Colorado, maintained by the Pitkin County (Colorado) Treasurer's office, available from the treasurer's website at [www.ptkinassessor.org/treasurer/](http://www.ptkinassessor.org/treasurer/).

239. Attached to this declaration as **Exhibit 239** are true and correct copies of documents produced by AMG and MNES during discovery, numbered MT0000962-68, MT0001063-65, MT0001076-78, MT0001236, MT0001273-78, MT0001304, MT0001553-54, MT0030167-73, MT0030324, MT0030347-49, MT0030837-47, MT0030880-83, MT0031654-56, and MT0032584-91. AMG and MNES provided interrogatory responses regarding vendor payments. (Exhibits 246 and 247, *infra*.) In addition, Derek Douglas certified these documents as business records. (Exhibit 264, *infra*.)

240. Attached to this declaration as **Exhibit 240** are true and correct copies of check images, produced by US Bank pursuant to a civil investigative demand. US Bank certified these documents as business records. (Exhibit 253, *infra*.)

241. Attached to this declaration as **Exhibit 241** are true and correct copies of documents produced by AMG and MNES during discovery, numbered MT0002301, MT0002443, MT0005922, MT0006064, MT0009268, MT0009408, MT0039590, MT0040712, MT0040746, MT0041056, MT0043464, MT0044506, MT0044556, MT0044770, MT0046950, MT0047986, MT0048030, MT0048240, MT0049779, MT0058617, MT0054883, MT0058759, MT0061026, MT0062155, MT0062189, MT0062728, MT0063543, MT0067130, MT0067272, MT0069403, MT0070462, MT0070502, MT0070952, MT0073475, MT0073615, MT0076631, MT0076675, and MT0077098. AMG and MNES provided interrogatory responses regarding check images. (Exhibits 246 and 247, *infra*.) In addition, Derek Douglas certified these documents as business records. (Exhibit 264, *infra*.)

242. Attached to this declaration as **Exhibit 242** is a true and correct copy of Kim Tucker's answers to the FTC's second set of interrogatories and supplemental interrogatory No. 6 in the FTC's first set of interrogatories.

243. Attached to this declaration as **Exhibit 243** is a true and correct copy of Park 269's answers to the FTC's second set of interrogatories and supplemental interrogatory No. 4 in the FTC's first set of interrogatories.

244. Attached to this declaration as **Exhibit 244** is a true and correct copy of the declaration of Elizabeth Anne Miles. The documents referenced in her declaration, AMGPT\_00000258,

1 AMGPT\_00000259, AMGPT\_00000263, AMGPT\_0000064, AMGPT\_00000268, AMGPT\_00000269,  
2 AMGPT\_00000271, AMGPT\_00000274, AMGPT\_00000275, AMGPT\_00000279,  
3 AMGPT\_00000280, AMGPT\_00000284, AMGPT\_00000285, AMGPT\_00000289, and  
4 AMGPT\_00000290 are loan transaction data files produced to the FTC by AMG and then produced by  
5 the FTC to the remaining parties, including the Tucker Defendants and Relief Defendants. The loan  
6 transaction data files used in Ms. Miles' calculations contain 13,453,579 records and consist of 4.4  
7 gigabytes of data. The Lending Defendants' Rule 30(b)(6) witness, Natalie Dempsey, provided  
8 testimony regarding the "e-cash" software used by AMG to record and maintain consumer loan  
9 transaction data at Exhibit 7, pp. 33:13-35:23, 38:5-38:17, 322:17-324:20. BA Services' Rule 30(b)(6)  
10 witness, Kenneth Kost, provided testimony that "e-cash" data can be exported into .csv files to be read  
11 by other programs at Exhibit 225, pp. 15:4-17:6. Ian Young, a consultant to AMG, provided testimony  
12 regarding the exporting of "e-cash" files into .csv files for production in this case and the delivery of  
13 those files to AMG's attorneys, Kirkland & Ellis LLP, in his declaration at Exhibit 262. A copy of the  
14 transmittal of those files from Kirkland & Ellis to the FTC is attached as Exhibit 263. Derek Douglas,  
15 AMG's controller, also provided testimony regarding the "e-cash" system and the exporting of the loan  
16 data for production in this case at Exhibit 264.

17 245. Attached to this declaration as **Exhibit 245** is a true and correct copy of the amended  
18 supplemental declaration of Elizabeth Anne Miles. The documents referenced in her declaration, AMG-  
19 SCH00000292-328 are AMG loan transaction files produced to the FTC and all parties in discovery by  
20 Defendants' expert David Scheffman. MNE provided testimony regarding those files at Exhibit 247.

21 246. Attached to this declaration as **Exhibit 246** is a true and correct copy of AMG's second  
22 supplemental answers to the FTC's first set of interrogatories.

23 247. Attached to this declaration as **Exhibit 247** is a true and correct copy of MNES's second  
24 supplemental answers to the FTC's first set of interrogatories.

25 248. Attached to this declaration as **Exhibit 248** is a true and correct copy of Red Cedar's  
26 amended objections and answers to the FTC's third set of interrogatories.

27 249. Attached to this declaration as **Exhibit 249** is a true and correct copy of SFS's amended  
28 objections and answers to the FTC's third set of interrogatories.

1           250. Attached to this declaration as **Exhibit 250** is a true and correct copy of the sworn  
2 statement of James Fontano, dated July 25, 2007, taken by the office of the attorney general of the state  
3 of Colorado. Mr. Fontano discusses the documents attached hereto as Exhibit 10 at pages 57-61 of  
4 Exhibit 197.

5           251. Attached to this declaration as **Exhibit 251** are true and correct copies of business  
6 records certifications from Bay Cities Bank.

7           252. Attached to this declaration as **Exhibit 252** is a true and correct copy of a business  
8 records certification from Intercept.

9           253. Attached to this declaration as **Exhibit 253** is a true and correct copy of a business  
10 records certification from US Bank.

11           254. Attached to this declaration as **Exhibit 254** is a true and correct copy of a business  
12 records certification from Plains Capital Bank.

13           255. Attached to this declaration as **Exhibit 255** is a true and correct copy of a business  
14 records certification from Midwest Trust Bank.

15           256. Attached to this declaration as **Exhibit 256** is a true and correct copy of a business  
16 records certification from First International Bank & Trust.

17           257. Attached to this declaration as **Exhibit 257** is a true and correct copy of a business  
18 records certification from Bank Midwest.

19           258. Attached to this declaration as **Exhibit 258** is a true and correct copy of a business  
20 records certification from Brotherhood Bank & Trust.

21           259. Attached to this declaration as **Exhibit 259** is a true and correct copy of a business  
22 records certification from TD Ameritrade.

23           260. Attached to this declaration as **Exhibit 260** is a true and correct copy of a declaration  
24 from Craig Weaver of Squar Milner.

25           261. Attached to this declaration as **Exhibit 261** is a true and correct copy of a business  
26 records certification from Billing Tree.

27           262. Attached to this declaration as **Exhibit 262** is a true and correct copy of a declaration  
28 from Ian Young.

263. Attached to this declaration as **Exhibit 263** is a true and correct copy of a letter from Kirkland & Ellis to the FTC, transmitting to the FTC on AMG's behalf documents numbered AMGPT\_000000254-291.

264. Attached to this declaration as **Exhibit 264** is a true and correct copy of a declaration from Derek Douglas.

265. Attached to this declaration as **Exhibit 265** is a true and correct copy of a declaration from Joe Frazier.

266. The FTC identified 19,242 check images produced by the Miami Tribe (AMG Services, Inc. and MNE Services, Inc.) in discovery, and examined the signatures in a random sample of 200 checks found in the range MT0001823 to MT0077139. 41.71% of the checks in the random sample are signed by Scott Tucker, 30.65% were signed by Blaine Tucker, 27.14% contain the phrase "This draft is pre-authorized by the account holder" in the signature line, and 0.50% contain neither a signature nor the pre-authorization phrase. Using standard statistics principles, the FTC computed 95% confidence intervals for each of those percentages, as follows:

- a. The 95% confidence interval for the percentage of checks signed by Scott Tucker is 34.78% to 48.89%
- b. The 95% confidence interval for the percentage of checks signed by Blaine Tucker is 24.33% to 37.57%
- c. The 95% confidence interval for the percentage of checks that contain the phrase "This draft is pre-authorized by the account holder" is 21.09% to 33.88%
- d. The 95% confidence interval for the percentage of checks that have a blank signature line is 00.01% and 2.78%.

Based on the foregoing, the FTC determines with 95% confidence that (i) Scott Tucker signed between 6,692 and 9,407 checks of the 19,242 checks in the full sample, and (ii) Blaine Tucker signed between 4,681 and 7,229 checks of the 19,242 checks in the full sample.

267. Pursuant to 28 U.S.C. § 1961, the FTC calculated prejudgment interest on its \$1,317,753,577 consumer redress sum. The weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week ending January 15, 2016 (the week preceding the FTC's request for judgment), was .58%. Using the same data as was used for the consumer redress calculation, the FTC applied this interest rate to the amount paid

1 on each loan in excess of the amount borrowed plus one finance charge. For more than 75% of those  
2 loans, a “date\_loan\_paid” was available in the data and used as the start date for the interest calculation.  
3 For the remaining loans, *i.e.*, those where the “date\_loan\_paid” was not available in the data, the start  
4 date for the FTC’s interest calculation was the “date\_created” for the loan plus 70 days, because, in the  
5 typical case, each loan experienced an overpayment beginning in the fifth pay period, *i.e.*, 70<sup>th</sup> day for  
6 biweekly earners, after the loan was initiated. In both cases, January 15, 2016 was the end date for the  
7 interest calculation. Using these parameters, the FTC calculated prejudgment interest on the  
8 \$1,317,753,577 redress figure as \$35,813,526.

9 268. Documents attached to this declaration have been redacted to protect personally  
10 identifiable information, information deemed confidential by one or more parties or third parties, and  
11 information required to be redacted under this Court’s Special Order 108.

12  
13 I declare under penalty of perjury that the foregoing is true and correct.

14 Executed this 20th day of January, 2016.

15  
16 /s/Nikhil Singhvi

17 Nikhil Singhvi  
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